IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 69704-M of 2006

DATE OF DECISION : 29.01.2007

Baldev Singh and another

.... PETITIONERS

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. A.S. Gill, Advocate,
for the petitioners.

Mr. N.S. Gill, AAG, Punjab.

Petitioners Baldev Singh and Kala, apprehending their arrest in a non-bailable offence in case FIR No. 153 dated 15.9.2006 registered at Police station Adampur, Jalandhar, under Sections 452, 427, 323, 324, 34 IPC, have filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

I have heard counsel for the parties and have gone through the contents of the FIR as well as the order dated 1.11.2006, passed by Additional Sessions Judge, Jalandhar, whereby bail application of the petitioners has been dismissed.

While issuing notice of motion on November 9, 2006, interim anticipatory bail was granted to the petitioners subject to their joining investigation.

Counsel for the petitioners contends that in the aforesaid FIR, it has been alleged that all the accused, while entering into the shop of the complainant, had caused the alleged injuries. He contends that all the injuries are simple in nature and the said offence is bailable. The only non-bailable offence is under Section 452 IPC. Counsel further contends that

from the allegations made in the FIR, the offence under Section 452 IPC is not made out and the police has arbitrarily added the said offence so as to make the offence non-bailable.

Counsel for the petitioners further states that in terms of the interim orders dated November 9, 2006 and December 19, 2006, the petitioners have joined the investigation. The State counsel, after having instructions from Mohan Lal Head Constable, does not dispute this fact and he further states that since the weapons alleged to have been used in the crime by the petitioners have been recovered, therefore, they are no more required for further investigation.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated November 9, 2006, is made absolute subject to the same terms and conditions.

Disposed of accordingly.

January 29, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**